

IN THE UNITED STATES OF ARKANSAS
EASTERN DISTRICT OF ARKANSAS
WESTERN DIVISION

WILLIAM HINES; ET AL.

PLAINTIFFS

vs.

NO. 4:08CV00589 BSM

GREEN TREE SERVICING, LLC;
ET AL.

DEFENDANTS

ORDER

Plaintiffs have filed applications to proceed *in forma pauperis*. The court directed them to supplement the applications with information regarding their income and how they are able to maintain a \$385,000.00 home and support five people other than themselves with no income or money from any source.

Plaintiffs have filed a motion to reconsider in which they provide additional information. They state that they are seasonal self-employed workers, and grossed \$113,000.00 from their small business. They claim, however, that they are facing tremendous financial hardship due to mortgage expense, and expenses of four children.

The court has reviewed their statement. Plaintiffs have listed extraordinary monthly expenses including a mortgage of \$3,670.00; utilities of \$1500.00; car payments of \$2,000; gasoline of \$2200.00, cell phone usage of \$750.00; \$800.00 for clothing; and \$183.00 for satellite television. They claim monthly medical expenses of \$5,000.00 incurred in part due to stress.

In forma pauperis status is a privilege not a right. *Murphy v. Jones*, 801 F. Supp. 283, 288 (E. D. Mo. 1992). A litigant may proceed *in forma pauperis* upon a proper showing of indigency. *Doose v. Fed. Gov't*, 1 F. 3d 1246 (9th Cir. 1993).

While Plaintiffs' monthly expenses of over \$20,000.00 exceed their income, the court cannot find that they are indigent. They have sufficient funds to pay for their necessities; that they have chosen to spend more than they make to maintain a more affluent lifestyle does not warrant granting them *in forma pauperis* status. See *Rowland v. California Men's Colony*, 506 U.S. 194, 203 (1993) (adequate showing of indigency when affidavit shows litigant cannot pay for costs and still be able to provide for self and dependents with necessities of life).

Accordingly, the applications to proceed *in forma pauperis* and the motion to reconsider (Doc. Nos. 1, 3, and 6) are denied. Plaintiffs shall have 20 days from the date of this Order to pay the statutory filing fee. Failure to do so will result in dismissal of the complaint.

IT IS SO ORDERED this 16th day of July, 2008.

A handwritten signature in cursive script, reading "Brian J. Miller".

UNITED STATES DISTRICT JUDGE